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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/266,869 03/12/99 TANIGUCHI

K P8075-9008

WM01/1108
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EXAMINER

PATEL, G

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 11/08/01 *B*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/266,869	Applicant(s) Taniguchi et al.
Examiner Gautam R. Patel	Art Unit 2651

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Sep 18, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1835 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) 17 and 18 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirem

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) Other: _____

Response to Remarks:

1. This is in response to remarks filed on 9-18-01 (Paper # 6).
2. Claims 1-18 remain for examination.

Specification

3. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art.

Correction is required.

NOTE: Correction to title or arguments has not been received in the last office action from the Applicants. It is assumed that this is an oversight and title will be corrected in subsequent action.

4. The text of those sections of title 35, US Code not included in this action can be found in a prior Office Action.
5. Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants admitted prior art (AAPA) (specification page 1-2) in view of Hoskins, US. patent 5,872,978 (hereafter Hoskins).
Hoskins was cited as prior art reference in paper no. 4, mailed 6-20-01.
6. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, paper no. 4, mailed 6-20-01.

7. Applicant's arguments filed on 9-18-01 (Paper # 6) have been fully considered but they are not deemed to be persuasive for the following reasons.

8. In the REMARKS, the Applicant argues as follows:

A) That: "Hoskins does not show or suggest that an instruction follows a pseudo-instruction that includes the instructions address or data address, as defined by the claimed invention." [page 3, para. 2; REMARKS].

The Examiner takes strong exception to these remarks. Hoskins clearly indicates that "one or more pseudo-instruction are inserted in the stream, and the apparatus being configured to detect said pseudo-instructions and extract them from the stream" [col. 2, lines 13-16]. When an instruction is inserted in the middle of the stream it is inherent that some more instructions and data is following that pseudo-instruction. Also Hoskins clearly discloses that pseudo-instructions act as "hints" to the translator, thus indicating that instructions does have an address or data associated with it.

B) That: "Since Hoskins does not teach or suggest prefetching an instruction .." [page 3, para. 2; REMARKS].

Hoskins was NOT used for prefetching an instruction; prior art was.

C) That: "the AAPA does not use the pseudo-instruction including the instruction address or the data address." [page 4, para. 1; REMARKS].

AAPA was NOT used for the pseudo-instruction; Hoskins was.

Allowable Subject Matter

9. Claims 17 and 18 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

Contact information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Hudspeth, can be reached on (703) 308-4825.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

G.R.P.

Gautam R. Patel
Patent Examiner
Group Art Unit 2651
October 26, 2001



RICHARD L. ELLIS
PRIMARY EXAMINER